

INTEROFFICE COMMUNICATION

January 14, 1981



TO: Robert Courchaine, Chief, Water Quality Division

FROM: Paul Zugger, Chief, Permit Enforcement Branch  
Environmental Enforcement Division

RE: Proposed Final Order of Abatement  
Pennwalt Corporation  
Wyandotte, Michigan

Based on agreements reached at our meetings on January 5, 1981 and January 9, 1981, I have drafted additional language to be included in the proposed Final Order of Abatement.

Attached are additional paragraphs which should be inserted in page two of the proposed Final Order in lieu of paragraphs five through eight of that page of the proposed Final Order of Abatement. As we discussed, I will be presenting this matter to the Water Resources Commission on Thursday, January 15, 1981. With the Commission's concurrence, I suggest that the proposed document be placed on public notice and brought to the Commission for entry at the February meeting.

I feel the proposed Final Order represents a good settlement and I am hopeful this matter can be resolved promptly through the entry of this document.

PZ:dr

cc: Jack Bails  
Stewart Freeman  
Frank Baldwin

R. Schramm K.

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PTC MOUILLEE S.G.A.

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IT IS FURTHER THE EXPRESS FINDING OF FACT of the Water Resources Commission and the Michigan Department of Natural Resources; that the pH limitations contained in the promulgated guidelines for the Inorganic Chemical industry subcategory are not applicable to the Pennwalt facilities.

United States  
Environmental Agency  
Date: Nov. 12, 1974  
and May 22, 1975

IT IS FURTHER THE EXPRESS FINDING OF FACT of the Water Resources Commission and the Michigan Department of Natural Resources, that the company continuously measures pH at all its process wastewater discharges.

IT IS FURTHER THE EXPRESS FINDING OF FACT of the Water Resources Commission and the Michigan Department of Natural Resources, that the EPA document entitled BACKGROUND DOCUMENT FOR MODIFICATION OF PH EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR POINT SOURCES REQUIRED BY NPDES PERMIT TO MONITOR CONTINUOUSLY EFFLUENT PH published November 1980 states "pH standards (6.0 - 9.0) whenever final effluent pH is required to be measured continuously may be beyond the capabilities of BPT and BCT systems."

IT IS FURTHER THE EXPRESS FINDING OF FACT of the Water Resources Commission and the Michigan Department of Natural Resources, that, as evidenced by the company's December 18, 1979, demonstration of their existing pH control facilities, the pH limitations contained in this Final Order are appropriate.

IT IS FURTHER THE EXPRESS FINDING OF FACT of the Water Resources Commission and the Michigan Department of Natural Resources, that compliance with the pH limitations contained in this Final Order will insure full protection of the state's water quality standards and will protect the state's waters against pollution, impairment, or destruction.

IT IS AGREED BY ALL PARTIES, the Department of Natural Resources, the Water Resources Commission, and Pennwalt Corporation that in the absence of effective guidelines for pH, it is the judgement of the parties that the pH control facilities installed by the company constitute Best Practicable Control Technology Currently Available (B.P.C.T.C.A.). The parties also recognize that the United States Environmental Protection Agency (EPA) has neither made a final determination on this issue nor authorized the inclusion of the pH limitations contained herein in a revised NPDES permit for Pennwalt, and that a final determination by EPA on this issue may require modification of this Final Order or NPDES permit. In this event, either party may seek such modification.

IT IS FURTHER THE EXPRESS FINDING OF FACT of the Water Resources Commission and the Michigan Department of Natural Resources that the Company has reviewed this Consent Order and while neither admitting nor denying that litigation of the issues would have resulted in a finding of the violations referred to in this Order or award of the damages set forth in this Order, has agreed to its entry as a Final Order of the Water Resources Commission.

IT IS THEREFORE ORDERED that Final Order of Abatement No. 1931 entered on October 14, 1977 is hereby rescinded.

IT IS FURTHER ORDERED that NPDES permit number MI 0002381 issued on June 20, 1975, as subsequently revised, is in full force and effect except that compliance with Section A of this Final Order constitutes compliance with Part I, Section A of the NPDES permit until NPDES permit MI 0002381 is reissued, suspended, rescinded or revoked.